IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.808 OF 2005
IN CRI APPLN NO.680/2005 IN CRI APPEAL NO.

Samson Julius Crasto ...Applicant.

V/s

The State ...Respondent

Mr. P. Badheka with Mrs. Edith Dey for the applicant.
Mr. D.P. Adsule for the State.]

CORAM: V.M.KANADE,J.
DATE: 28th March, 2005

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application seeking leave of this Court to permit the applicant to leave the jurisdiction of this Court for the purpose of travelling on account of his employment as a seaman till the end of December, 2005.

3. Applicant is convicted by the Trial Court for an offence punishable under section 307 of the Indian Penal Code and sentenced to suffer R.I. for six months and fine of Rs 20,000/- has been imposed by the Trial Court. Applicant has already deposited an amount of fine which has been paid to the complainant. Applicant is a seaman and, as such, is required to leave the jurisdiction of this court from time to

time. Earlier he had filed an application in this Court being Criminal Application No. 73 of 2003 in Criminal Appeal No. 45 of 2001 which was allowed by the order dated 10/4/2003 (Coram: P.V. Hardas, J.) and the application was allowed on the same terms and conditions which were imposed upon the applicant earlier and the said conditions were reproduced. Thereafter, Division Bench of this Court consisting of V.G. Palshikar & A.V. Mohta JJ had extended the time by the order dated 10/9/2004.

4. Considering the facts and circumstances of the case and taking into consideration that, admittedly, the applicant is a sailor who is required to travel along with his ship from time to time, the present application is allowed subject to the terms and conditions which are enumerated as follows:-

(i) the applicant shall furnish an undertaking to this Court, that he would be available in Mumbai at the time of hearing of the appeal; and

(ii) on his arrival in Goa, within a week thereof, applicant shall file a pursis informing the Bombay High Court Bench

regarding his availability in Goa and Mumbai.

5. Subject to above conditions, applicant is permitted to leave the jurisdiction of this Court from the date of this application till 31/12/2005. Liberty is granted to the applicant to apply for fixed date of hearing.

6. Application is disposed of in the above terms.

7. All concerned to act on the copy of this order duly authenticated by the Registry.

V.M. KANADE, J.